

EA



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/350,713 | 07/09/1999 | JOSEPH B. KEJHA | JBK-7 | 8585 |

7590 08/19/2005

JOSEPH B KEJHA
1022 FREDERICK ROAD
MEADOWBROOK, PA 19046

EXAMINER

VANAMAN, FRANK BENNETT

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3618

DATE MAILED: 08/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/350,713

Applicant(s)

KEJHA, JOSEPH B.

Examiner

Frank Vanaman

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-25, 27 and 37-42 is/are pending in the application.
- 4a) Of the above claim(s) 12-25 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9, 10, 11/9, 11/10, 27/9, 27/10 is/are allowed.
- 6) ☒ Claim(s) 11/37, 37-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Status of Application

1. Applicant's amendment, filed June 11, 2005 has been entered in the application. Claims 9-25, 27, and 37-42 are pending, with claims 12-25 being withdrawn from consideration as being directed to a non-elected invention.

Claim Objections

2. Claims 37, 38 and 39 are objected to for the following informalities: in claim 37, line 9, there appears to be a word (such as --an--) missing between "is" and "open"; in claim 38, line 2, there appears to be a word (such as --an--) missing between "and" and "electric"; in claim 39, line 9, there appears to be a word (such as --an--) missing between "is" and "open". In general, care should be taken to ensure that nouns are preceded with the appropriate articles.

Appropriate correction is required.

Claim Rejections - 35 USC §112

3. Claims 37-42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In each of these claims, at lines 4-5 the recitation "...which is driven by at least one internal combustion engine" is confusing in that it is not clear whether it is the vehicle, or the motor or generator that is driven by the engine.

Allowable Subject Matter

4. Claims 9, 10, 11/9, 11/10, 27/9 and 27/10 are allowed
5. Claims 37-42 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.
6. Claim 11/37 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
7. Applicant is reminded that at the time of Allowance, claims to a non-elected invention should be canceled.
8. Applicant's comments have been carefully considered. As regards the provision of a mixture of carbon graphite, mesocarbon microbeads and metal hydride as a storage medium and absorbent/desorbent, the examiner agrees that the prior art fails to teach this limitation. As regards the provision of a radiator or other cooling device in the exhaust gas return, the examiner notes that does teach such an arrangement, but fails to teach that the exhaust gas return includes water, and in fact teaches that the water is removed before the exhaust gasses are returned. As regards claim 42, the examiner notes that West in combination with Munday teach a number of these limitations, and that Tangri additionally teaches that it is old and well known to provide a connection to an external electrical source, however the reference to Munday, which teaches the particular hydrogen fueling arrangement, fails to teach that his system includes an absorbent, and inasmuch as Munday's hydrogen supply system is understood to be

Art Unit: 3618

functional on its own, it would not be deemed obvious to provide an absorbent in the system.

Conclusion

9. Any inquiry specifically concerning this communication or earlier communications from the examiner should be directed to F. Vanaman whose telephone number is 571-272-6701.

Any inquiries of a general nature or relating to the status of this application may be made through either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A response to this action should be mailed to:

Mail Stop _____
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450,

Or faxed to:

PTO Central Fax: 571-273-8300

F. VANAMAN
Primary Examiner
Art Unit 3618



Handwritten signature of F. Vanaman, dated 9/17/05.